

1 Neal J. Stephens (State Bar No. 152071)
Jeffrey B. Schenk (State Bar No. 234355)
2 Thao Donnelly (State Bar No. 355632)
JONES DAY
3 1755 Embarcadero Road
Palo Alto, CA 94303
4 Telephone: +1.650.739.3939
Facsimile: +1.650.739.3900
5 Email: nstephens@jonesday.com
Email: jbschenk@jonesday.com
6 Email: tdonnelly@jonesday.com

7 Edward W. Swanson (State Bar No. 159859)
August P. Gugelmann (State Bar No. 240544)
8 SWANSON & McNAMARA LLP
300 Montgomery Street, Suite 1100
9 San Francisco, CA 94104
Telephone: +1.415.477.3800
10 Facsimile: +1.415.477.9100
Email: ed@smlp.law
11 Email: august@smlp.law

12 Attorneys for Defendant
DAVID TRUNG DUONG
13

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 OAKLAND DIVISION
17

18 UNITED STATES OF AMERICA,

19 Plaintiff,

20 v.

21 SHENG THAO, ANDRE JONES, DAVID
22 TRUNG DUONG, and ANDY HUNG
DUONG,

23 Defendants.
24
25
26
27
28

Case No. 4:25-CR-00003-YGR

**DEFENDANT DAVID DUONG'S
NOTICE OF MOTION AND MOTION
TO MODIFY FILTER TEAM
PROTOCOL**

Hearing Date: April 24, 2025

Hearing Time: 10:30 am

Judge: Hon. Yvonne Gonzalez Rogers

Courtroom: 1, 4th Floor

NOTICE OF MOTION AND MOTION

PLEASE TAKE NOTICE THAT on April 24, 2025, at 10:30 a.m., or as soon thereafter as the matter may be heard, in the courtroom of the Honorable Yvonne Gonzalez Rogers, located at 1301 Clay Street, Oakland, California 94612, Defendant David Trung Duong will, and hereby does, respectfully move for an order to modify the government's filter team protocol related to the government's review of attorney-client privileged material. Counsel for the other three defendants, Sheng Thao, Andre Jones, and Andy Duong, have confirmed to counsel for David Duong that they join this motion and the relief requested herein.

This motion is based on the attached memorandum of points and authorities, the Declaration of Neal J. Stephens, the exhibits filed therewith, the files and records in this case, and any evidence or argument presented at a hearing on this matter.

Pursuant to the Court's Standing Order in Criminal Cases, defense counsel notes that the time period from the filing of the motion through the conclusion of the hearing may be excluded time pursuant to 18 U.S.C. Section 3161(h)(1)(D).

Respectfully submitted,

DATED: March 19, 2025

Neal J. Stephens
JONES DAY

By: /s/ Neal J. Stephens
NEAL J. STEPHENS

Attorneys for Defendant David Trung Duong

1	TABLE OF CONTENTS		
2			Page
3	MEMORANDUM OF POINTS AND AUTHORITIES		1
4	I. INTRODUCTION		2
5	II. FACTUAL BACKGROUND		3
6	A. David Duong and California Waste Solutions.....		3
7	B. The Government's Raid on June 20, 2024.....		3
8	C. The Government's Filter Team Process.....		3
9	D. The Meet and Confer Process with the Government.		5
10	III. ARGUMENT		6
11	A. Invading the Attorney-Client Privilege Implicates Mr. Duong's Fifth And		
12	Sixth Amendment Rights.		6
13	B. The Government's Filter Team Process Violates the Law.		6
14	1. The Government Failed to Obtain Judicial Approval of its Filter		
15	Team Process.		7
16	2. The Government's Filter Team Process Violates Basic Separation		
17	of Powers Principles.....		7
18	3. The Government Created a Fox Guarding the Henhouse Problem.....		8
19	C. Mr. Duong's Proposed Relief Cures the Flaws in the Government's		
20	Protocol.		10
21	IV. CONCLUSION		11

TABLE OF AUTHORITIES

	Page
CASES	
<i>Admiral Ins. Co. v. U.S. Dist. Ct. for Dist. of Arizona</i> , 881 F.2d 1486 (9th Cir. 1989).....	6
<i>In re Grand Jury Subpoenas</i> , 454 F.3d 511 (6th Cir. 2006).....	2, 9
<i>In re Lott</i> , 424 F.3d 446 (6th Cir. 2005).....	6
<i>United States v. Bauer</i> , 132 F.3d 504 (9th Cir. 1997).....	6
<i>United States v. Irwin</i> , 612 F.2d 1182 (9th Cir. 1980).....	6
<i>United States v. Lin Lyn Trading, Ltd.</i> , 149 F.3d 1112 (10th Cir. 1998).....	10
<i>United States v. Noriega</i> , 764 F. Supp. 1480 (S.D. Fla. 1991)	9
<i>United States v. Pedersen</i> , No. 3:12-cr-00431-HA, 2014 WL 3871197 (D. Or. Aug. 6, 2014).....	2, 7
<i>United States v. Sullivan</i> , No. CR 17-00104 JMS-KJM, 2020 WL 1815220, at *8–10 (D. Haw. Apr. 9, 2020)	9, 10
<i>United States v. Under Seal (In re Search Warrant Issued June 13, 2019)</i> , 942 F.3d 159 (4th Cir. 2019), <i>as amended</i> (Oct. 31, 2019)	2, 6, 8, 9
OTHER AUTHORITIES	
Fifth Amendment	3, 6
Sixth Amendment	3, 5, 6
Rule 41 of the Federal Rules of Criminal Procedure	7

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

David Duong seeks an order modifying the existing filter team protocol the government is using to review attorney-client privileged material seized by law enforcement. Currently, the government's filter team discloses certain groups of documents to the prosecution team without providing defense counsel any opportunity to review those documents and raise appropriate objections to the Court. The government is using the same filter process for all defendants.

As an initial matter, the government's process is flawed because it did not seek judicial approval of its filter team protocol before filter team members began reviewing and promoting seized materials to the prosecution team. *United States v. Pedersen*, No. 3:12-cr-00431-HA, 2014 WL 3871197, at *29 (D. Or. Aug. 6, 2014) (no governmental entity should review privileged material without the express approval of the court).

The government's "no oversight" protocol also violates separation of powers principles. Protecting against the improper disclosure of privileged material is reserved exclusively to the Judicial Branch, not the Executive Branch. *United States v. Under Seal (In re Search Warrant Issued June 13, 2019)*, 942 F.3d 159, 177 (4th Cir. 2019), *as amended* (Oct. 31, 2019).

Finally, the government's current protocol eliminates judicial review of certain privilege calls made by the filter team, thereby permitting the proverbial government fox to guard the target's henhouse—something courts have rejected due to the inherent pressure imposed on filter team members to knowingly or mistakenly provide privileged materials to their friends on the prosecution team. *In re Grand Jury Subpoenas*, 454 F.3d 511, 523 (6th Cir. 2006).

To remedy these violations, Mr. Duong respectfully seeks an order that requires the government to: (a) provide defense counsel with *all* documents the filter team intends to promote in the future so counsel can raise any appropriate objections to the Court *before* the filter team discloses the documents to the prosecution team; (b) identify the Bates numbers of all previously promoted documents so counsel can raise any appropriate objections; (c) return all copies of any defendant's privileged material in the government's possession to counsel for that defendant; and (d) provide defense counsel a copy of the government's filter team protocol.

II. FACTUAL BACKGROUND

A. David Duong and California Waste Solutions.

David Duong emigrated to the United States from Vietnam in 1979, when he was 19 years old. Mr. Duong started a recycling company in 1983 and won his first local government contract with the City of Oakland in 1991. Shortly thereafter, he founded California Waste Solutions (“CWS”), which is headquartered in Oakland and operates six facilities in the Bay Area. CWS serves more than 1.4 million customers and employs approximately 700 employees in the United States and its integrated solid waste management facility in Vietnam. Mr. Duong also founded the Vietnamese American Business Association (VABA), whose mission is to strengthen the collaboration among Vietnamese, other Asian, and non-Asian leaders in the community.

B. The Government’s Raid on June 20, 2024.

On June 20, 2024, the government executed raids on Mr. Duong’s residence and the offices of CWS and VABA. The government seized a number of electronic devices, including Mr. Duong’s cell phones, iPads, laptop computers, desktop computers, various data storage devices, and network servers. Declaration of Neal J. Stephens in Support of Motion to Modify Filter Team Protocol (“Stephens Decl.” ¶ 1). The government estimates that these materials equate to terabytes of data—which could amount to more than 50 million pages of discovery. *Id.* The government acknowledges that these seized materials contain privileged communications involving Mr. Duong. The government also seized electronic devices from the other defendants.¹

C. The Government’s Filter Team Process.

The government did not provide a copy of its filter team protocol when it presented the premises search warrants to the Magistrate Judge on June 14, 2024. Stephens Decl. ¶ 3, Exhibit A at 5, 7. As a result, no judge reviewed the filter team procedures to assess whether they satisfy separation of powers principles and adequately protect the defendants’ Fifth Amendment right to due process and Sixth Amendment rights to effective assistance of counsel and a fair trial.

In addition, the government has declined to provide defense counsel a copy—or even a

¹ Counsel for the other three defendants, Sheng Thao, Andre Jones, and Andy Duong, have confirmed to counsel for David Duong that they join this motion and the relief requested.

1 redacted copy—of its protocol because it apparently resides in a memorandum that the
2 government considers to be “both work product and sensitive.” Stephens Decl. ¶ 7. Instead, the
3 government sent defense counsel a letter on February 28, 2025 describing its filter team process.
4 Stephens Decl. ¶ 5, Ex. B. The February 28 letter summarizes some of the back and forth
5 between the government and Mr. Duong’s prior counsel in June 2024. Back then, Mr. Duong’s
6 prior counsel provided the government a list of attorney names, email addresses, and phone
7 numbers to help the filter team identify privileged documents in the seized materials. Stephens
8 Decl. ¶ 5. At that time, however, the government did not disclose to defense counsel its “no
9 oversight” filter team process. As a result, Mr. Duong’s prior counsel did not know that the
10 government was promoting documents to the prosecution team without allowing defense counsel
11 to review those documents for objections. Undersigned counsel requested the protocol on
12 February 5, 2025, the day after entering an appearance in this matter. Stephens Decl. ¶ 2.

13 According to the government’s February 28 letter, the current filter protocol involves the
14 application of search terms to the electronic discovery, and “[a]fter running search terms on all of
15 the search warrant returns ... the filter team was instructed to segregate any other material
16 containing any of the search terms, and *the remainder of the materials ... were sent to the*
17 *prosecution team.*” Stephens Decl. ¶ 5, Ex. B at 3 (emphasis added). Notably, the government
18 did not inform defense counsel which documents constituted the “remainder of the materials”
19 before the filter team disclosed those materials to the prosecution team. Thus, defense counsel
20 could not raise appropriate objections to the Court regarding documents the filter team classified
21 as “the remainder of the materials” so there was no meaningful judicial review of the filter team’s
22 privilege decisions before the filter team disclosed that set of material to the prosecution team.

23 Regarding the documents that hit on the search terms used by the filter team, “the filter
24 team was instructed to review the search-term hits from the data and materials and determine
25 whether they potentially contained privileged information or communications.” Stephens Decl. ¶
26 5, Ex. B at 3. The government admits that “[i]f the material was clearly not privileged, the filter
27 team was instructed to send the material to the prosecution team.” *Id.* Once again, the
28 government did not identify to defense counsel the documents the filter team unilaterally

1 concluded were “clearly not privileged.” As a result, defense counsel had no ability to object to
2 the Court about the government’s privilege decisions on the documents the filter team classified
3 as “clearly not privileged” before the filter team disclosed those materials to the prosecution team.

4 Finally, the government intends to use this same flawed process moving forward—i.e. the
5 government retains the unchecked power to unilaterally disclose to the prosecution team any
6 document classified as “clearly not privileged.” Stephens Decl. ¶ 7, Ex. C at 3. Neither defense
7 counsel nor the Court will be allowed to review these materials before the filter team discloses
8 them to the prosecution team.

9 **D. The Meet and Confer Process with the Government.**

10 On February 4, 2025, undersigned counsel filed a notice of appearance in this matter. On
11 February 5, 2025, defense counsel contacted the government to meet and confer about discovery
12 and requested: (a) a copy of the government’s filter team protocol; and (b) confirmation that the
13 filter team would provide defense counsel any material they intend to disclose to the prosecution
14 team before providing that material to the prosecution team. Stephens Decl. ¶ 2, Ex. A at 11. In
15 response, the government stated that it would discuss the discovery issues after defense counsel
16 had an opportunity to review the first batch of discovery. Stephens Decl. ¶ 3, Ex. A at 9. On
17 February 21, 2025, defense counsel renewed its request regarding the filter team protocol.
18 Stephens Decl. ¶ 3, Ex. A at 8. The parties continued to meet and confer on the filter team issues,
19 leading the government to send its letter describing its filter team process on Friday, February 28,
20 2025. Stephens Decl. ¶¶ 3–5, Ex. A at 4–7; Ex. B.

21 On Monday, March 3, defense counsel sent the government a proposal that attempted to
22 resolve these issues without having to file a motion by requesting that the filter team add a few
23 basic guardrails to improve its filter team process. Stephens Decl. ¶ 6, Ex. A at 1–3. In sum,
24 defense counsel requested that the government agree to provide defense counsel the opportunity
25 to review all privileged calls made by the filter team for appropriate objections before the filter
26 team disclosed material to the prosecution team. *Id.* Defense counsel provided the government
27 with case authority that supported Mr. Duong’s position. *Id.* The government rejected defense
28 counsel’s proposal and also failed to cite any case authority to support the position that the

Executive Branch possesses the power to usurp the Judicial Branch's exclusive authority to protect the defendants' attorney-client and work product privileges. Stephens Decl. ¶ 7, Ex. C.

III. ARGUMENT

A. Invading the Attorney-Client Privilege Implicates Mr. Duong's Fifth And Sixth Amendment Rights.

"[T]he attorney-client privilege is, perhaps, the most sacred of all legally recognized privileges, and its preservation is essential to the just and orderly operation of our legal system." *United States v. Bauer*, 132 F.3d 504, 510 (9th Cir. 1997). The privilege protects against more than just the government's *use* of privileged materials as evidence at trial; it protects against "*disclosure itself*." *In re Lott*, 424 F.3d 446, 451 (6th Cir. 2005) (emphasis added); *see also* *Admiral Ins. Co. v. U.S. Dist. Ct. for Dist. of Arizona*, 881 F.2d 1486, 1491 (9th Cir. 1989) (citing *In re von Bulow*, 828 F.2d 94, 98 (2d Cir. 1987)) ("compliance with [a] discovery order against [a] claim of privilege destroys [the] right sought to be protected").

Moreover, an improper intrusion on Mr. Duong's privileged communications violates his constitutional rights. Courts have repeatedly recognized that government interference with a defendant's relationship with their attorney may render counsel's assistance so ineffective as to violate the defendant's Sixth Amendment right to counsel and Fifth Amendment right to due process of law. *United States v. Irwin*, 612 F.2d 1182, 1185 (9th Cir. 1980); *In re Search Warrant Issued June 13, 2019*, 942 F.3d at 174.

B. The Government's Filter Team Process Violates the Law.

Because there is no "filter team exception" to the attorney-client privilege, the government's use of a filter team procedure is illegal in this literal sense, as a violation of the law of attorney-client privilege. As stated in *United States v. Neill*:

While the parties dispute whether courts have sanctioned the Department of Justice's 'taint team' procedures, it is clear that the government's affirmative decision to invoke these procedures constitutes a *per se* intentional intrusion [into the privilege].

952 F. Supp. 834, 840–41 (D.D.C. 1997) (emphasis in original) (footnote omitted) (citation omitted); *see also* *Pedersen*, 2014 WL 3871197, at *29 (when the government chooses to review

1 attorney client privileged materials, it is a *per se* intrusion into the privilege).

2 Here, the government's "no oversight" filter team process fails for several reasons: (1) the
3 government failed to seek judicial approval of its protocol before it began reviewing privileged
4 materials; and (2) as drafted, the government's protocol violates separation of powers principles
5 because the government intentionally usurped the Court's exclusive authority to make decisions
6 on privilege issues; and (3) the government designed its protocol to ensure that the government's
7 fox is left in charge of the defendants' henhouse.

8 **1. The Government Failed to Obtain Judicial Approval of its Filter Team**
9 **Process.**

10 "When considering the purposes of the attorney-client privilege, it is obvious that no
11 governmental entity should intentionally review privileged material *without the express approval*
12 *of the court.*" *Pedersen*, 2014 WL 3871197, at *29 (emphasis added). Nothing in the common
13 law of attorney-client privilege, nor in Rule 41 of the Federal Rules of Criminal Procedure
14 governing search warrants, nor any other source in law, permits investigating prosecutors to seize
15 thousands of privileged communications and then simply walk down the hall and provide those
16 privileged communications to their colleagues to review. But, here, it is undisputed that the
17 government initiated its filter team process without seeking any approval from the Court.
18 *Stephens Decl.*, ¶ 3, Ex. A at 5, 7. As a result, the government foreclosed any opportunity for the
19 Court to assess whether the government's protocol improperly invaded defendants' attorney-
20 client privilege.

21 **2. The Government's Filter Team Process Violates Basic Separation of**
22 **Powers Principles.**

23 The government's filter team process contains a fatal flaw. The government will not
24 allow defense counsel to review *all* documents that the filter team intends to disclose to the
25 prosecution before sending those documents through to the prosecution team. Instead, the filter
26 team is only providing defense counsel with a subset of documents—those materials that the filter
27 team designates as "potentially privileged." By contrast, any material that the filter team deems
28 as not "potentially privileged" will be promoted directly to the prosecution team. *Stephens Decl.*,

¶ 5, Ex. B at 3. In other words, the filter team can disclose any seized document through to the prosecution team without any oversight by anyone outside of the U.S. Attorney's Office by simply classifying that document as not "potentially privileged."

This "no oversight" aspect of the filter team process has been condemned by courts—which do not allow the government to design a filter team process that fails to allow objections on filter team privilege calls before the filter team discloses documents to the prosecution team. For example, in *In re Search Warrant Issued June 13, 2019*, 942 F.3d at 166, the government designed a filter process with a "Privilege Assessment Provision" that stated "[w]hen seized materials were found by the Filter Team to be nonprivileged, the Filter Team AUSAs could forward such materials directly to the Prosecution Team, without the consent of the Law Firm or a court order." In rejecting the government's filter team protocol, the Fourth Circuit held that the Privilege Assessment Provision "contravened [the] nondelegation principle" because it "erroneously authorized the executive branch—that is, the Filter Team—to make decisions on attorney-client privilege and the work-product doctrine." *Id.* at 177. The Fourth Circuit emphasized that "the Constitution vests '[t]he judicial Power' solely in the federal courts ... which includes the 'duty of interpreting and applying the law.'" *Id.* at 176 (quoting *Commonwealth of Massachusetts v. Mellon*, 262 U.S. 447, 488 (1923)). "Put simply, a court is not entitled to delegate its judicial power and related functions to the executive branch, especially when the executive branch is an interested party in the pending dispute." *Id.* (citation omitted).

The protocol in this case contains the exact same flawed procedure. The government is an interested party in the pending dispute. And the government knowingly delegated judicial power to itself—the ability to promote documents the filter team classifies as "not potentially privileged" directly to the prosecution team without any check by defense counsel or the Court. As a result, the Constitution compels the Court to reject the government's deliberate abduction of the Court's exclusive authority to interpret and apply the law of attorney-client privilege.

3. The Government Created a Fox Guarding the Henhouse Problem.

When confronted by filter protocols where the government inserts itself as the sole arbiter of privilege, courts have rejected the protocol because "the government's fox is left in charge of

[the target's] henhouse, and may err by neglect or malice, as well by honest differences of opinion.” *In re Grand Jury Subpoenas*, 454 F.3d at 523. In other words, “the government taint team may have an interest in preserving privilege, but it also possesses a conflicting interest in pursuing the investigation, and, human nature being what it is, occasionally some taint-team attorneys will make mistakes or violate their ethical obligations.” *Id.* Filter teams “present inevitable, and reasonably foreseeable, risks to privilege, for they have been implicated in the past in leaks of confidential information to prosecutors.” *Id.*; see also, e.g., *In re Search Warrant Issued June 13, 2019*, 942 F.3d at 177–78; *United States v. Noriega*, 764 F. Supp. 1480, 1483–84 (S.D. Fla. 1991) (government’s taint team missed a document obviously protected by attorney-client privilege by turning over tapes of attorney client conversations to members of the investigating team); *United States v. Sullivan*, No. CR 17-00104 JMS-KJM, 2020 WL 1815220, at *8–10 (D. Haw. Apr. 9, 2020) (filter team recklessly promoted privileged materials to the prosecution team).

In *In re Grand Jury Subpoenas*, the Sixth Circuit addressed the same issue presented here because under the government’s taint team procedure, “appellants’ attorneys would have an opportunity to assert privilege *only* over those documents which *the taint team has identified* as being clearly or possibly privileged.” 454 F.3d at 523 (emphasis in original). In other words, the filter team could unilaterally disclose to the prosecution team any document it classified as “not possibly privileged.” Defense counsel was not provided any opportunity to object before the filter team sent the “potentially not privileged” subset of documents through to the prosecution team. The Sixth Circuit ruled in the defendant’s favor because it did “not see any check in the proposed taint team review procedure against the possibility that the government’s team might make some false negative conclusions, finding validly privileged documents to be otherwise.” *Id.*

That same flaw exists in this case. The government’s protocol contains no check against the filter team making false negative conclusions—labeling validly privileged documents as “clearly not privileged” and then unilaterally disclosing that subset of documents to the prosecution team. Allowing defense counsel the opportunity to review *all* documents—not simply the potentially privileged documents—before they are promoted would cure this defect in

1 the government's process.

2 **C. Mr. Duong's Proposed Relief Cures the Flaws in the Government's Protocol.**

3 As an initial matter, Mr. Duong's proposed order improves the filter team process by
4 allowing for defense review of *all* privilege calls made by the filter team *before* the filter team
5 discloses material to the prosecution team. The government should have embraced this proposed
6 guardrail because the prosecution team will face dismissal of the indictment, suppression of
7 evidence and/or the disqualification of prosecution team members if prosecution team members
8 are exposed to privileged materials. *See United States v. Lin Lyn Trading, Ltd.*, 149 F.3d 1112,
9 1118 (10th Cir. 1998) (prosecution team disqualified where government used privileged
10 materials); *Sullivan*, 2020 WL 1815220, at *10 (suppressing materials improperly promoted to
11 the prosecution team given the reckless and grossly negligent conduct of the filter team).

12 Second, the proposed order requires the government to return *all* copies of *all* privileged
13 material. The government, including the filter team, has no legal basis to continue to maintain
14 any copy of any privileged material after the filter team agrees that the material is privileged. The
15 whole point of a filter team review is to screen privileged materials from the prosecution team
16 and return *all* copies of privileged materials to the defendant. If the government keeps copies of
17 privileged materials, the "fox guarding the henhouse" problem remains present.

18 Third, the proposed order requires the government to disclose a redacted copy of its
19 written filter team protocol. The government has declined to provide defense counsel its filter
20 team protocol, claiming that it resides in a memorandum that the government considers to be
21 work product and confidential. Stephens Decl., ¶ 7, Ex. C at 3-4. Mr. Duong respects the
22 government's claim of work product and does not seek to invade its privilege. But the
23 government can still provide a redacted version of the filter team protocol that discloses only the
24 procedures the filter team has been using to review documents to date. That information is
25 neither work product nor confidential.

26 Defense counsel asked for the protocol on February 5, 2025. It took the government more
27 than three weeks to simply confirm that a written protocol exists and describe its provisions.
28 Stephens Decl., ¶¶ 2-5, Ex. A at 4-11, Ex. B. Defense counsel was concerned it took so long for

1 the government to substantively respond to a straightforward request, so we seek to verify that:
2 (a) the procedure used is consistent with what has been described; and (b) the filter protocol was
3 actually in place in June 2024 when the government seized the privileged materials. If
4 prosecution team members were somehow exposed to privileged materials in the past, defense
5 counsel would need to evaluate whether to seek additional remedies.

6 **IV. CONCLUSION**

7 For the reasons stated above, Mr. Duong respectfully requests that this Court grant his
8 Motion to Modify the Filter Team Protocol.

9 DATED: March 19, 2025

Respectfully Submitted,

JONES DAY

/s/ Neal J. Stephens

NEAL J. STEPHENS
JEFFREY SCHENK
THAO DONNELLY

SWANSON & McNAMARA LLP

/s/ Edward w. Swanson

EDWARD W. SWANSON
AUGUST P. GUGELMANN

Attorneys for Defendant
David Trung Duong

CERTIFICATE OF SERVICE

I, Trudy Carney, declare:

I am a citizen of the United States and employed in Santa Clara County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is Silicon Valley Office, 1755 Embarcadero Road, Palo Alto, California 94303. On March 19, 2025, I served a copy of the Defendant David Duong's Notice of Motion and Motion to Modify Filter Team Protocol by electronic transmission.

I am familiar with the USDC Northern District's practice for collecting and processing electronic filings. Under that practice, documents are electronically filed with the Court. The Court's CM/ECF system will generate a Notice of Electronic Filing (NEF) to the filing party, the assigned judge, and any registered users in the case. The NEF will constitute service of the document. Registration as a CM/ECF user constitutes consent to electronic service through the Court's transmission facilities.

Executed on March 19, 2025, Palo Alto, California.


Trudy Carney

NAI-5000026369v4